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10/606,507	06/26/2003	G. Thomas Athens	F-703	5201

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Pitney Bowes Inc.
Intellectual Property and Technology Law Dept.
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

MURDOUGH, JOSHUA A

ART UNIT PAPER NUMBER

3609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,507	Applicant(s) ATHENS ET AL.	
	Examiner Joshua Murdough	Art Unit 3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15, 18-27, 29-32, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 18-27, 29-32, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendments to the specification and claims filed on 12 September 2007 have been entered. Claims 1-11, 16, 17, 28, & 33-41 have been canceled. Claims 12-15, 18-27, 29-32, 42, & 43 are currently pending.

Specification

The objection to the specification is withdrawn due to the amendment filed on 12 September 2007.

Claim Rejections - 35 USC § 112

The rejection of claim 39 has been withdrawn as the claim is now canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12, 18-25, 29-32, 42, & 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Leon (6,424,954).

As to claim 12, Leon shows:

receiving a first audit record from the value dispensing device, (Figure 5F, 5214)
the first audit record generated by the value dispensing device at the start of an audit period,
the first audit record including a value of at least one register maintained by the value
dispensing device at a start of the audit period (Figure 5F, 5214) (Column 18, lines 47-
56)
and a first digital signature, (Figure 5F, 5214)

Art Unit: 3609

receiving a second audit record from the value dispensing device, the second audit record generated by the value dispensing device at the end of the audit period, (Figure 5F, 5214)
the second audit record including a value of at least one register maintained by the value dispensing device at a end of the audit period, (Figure 5F, 5214) (Column 18, lines 47-56)
and a second digital signature; (Figure 5F, 5214)
verifying the first and second digital signatures; (Figure 5F, 5218) (Column 61, lines 41-50)
if the first and second digital signatures verify, determining the difference between the value of the at least one register at the end of the audit period and the start of the audit period; (Columns 61-62, lines 51-13)
comparing the determined difference with corresponding data provided in the usage data; (Column 62, lines 4-13)
and if the determined difference correlates with the corresponding data provided in the usage data, generating a usage report for the value dispensing system based on the usage data. (Column 62, lines 14-43)

As interpreted by the examiner, the reports, according to Leon, are sent at the end of one period, are also considered to be sent at the beginning of the subsequent period. The report at the end of a period must be completed after the period ends so that every transaction from the period is included. Similarly a report at the beginning of a period must be completed before the period begins so that no transactions from the current period are included. Therefore, in reality, the report does not belong to one transaction period, but to its own reporting period occurring between transaction periods, immediately before one transaction period and immediately after the previous one. (Leon, Figures 5f and 5f-2 show the transition from the registered, or transaction, state to the intermediate, or reporting, state in order to process and report the data and the subsequent return to the registered state when the reporting is finished.)

As to claim 18, Leon further shows:

the first audit record is received before the end of the audit period.

Again, this is inherent to the periodic auditing process. The first report would have been at the beginning of the audit period as the second report of the previous audit.

Art Unit: 3609

As to claim 19, the storage and later retrieval of a record previously sent is inherent to a system that compares the record to a later created one.

As to claim 20, Leon further shows:

the at least one register value in the first and second audit records includes a plurality of register values. (Column 18, lines 47-56)

As to claim 21, Leon further shows:

the at least one register value in the first and second audit records includes an ascending register value. (Column 99, lines 37-41)

As to claim 22, Leon further shows:

the at least one register value in the first and second audit records includes a total piece count register value. (Column 100, lines 44-47)

As to claim 23, Leon further shows:

the first and second digital signatures are verified utilizing a public key. 536

As to claim 24, Leon further shows:

indicating an error in the processing of the usage data. (Figure 6F)

As to claim 25, Leon shows:

means for receiving a first audit record, (Figure 5F, 5214)

a second audit record (Figure 5F, 5214)

and usage data from a value dispensing device, (Column 11, lines 59-61)

the first audit record generated by the value dispensing device at a start of an audit period including a value of at least one register maintained by the value dispensing device at the start of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)

and a first digital signature, (Figure 5F, 5214)

the second audit record generated by the value dispensing device at an end of an audit period including a value of at least one register maintained by the value dispensing device at an end of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)

and a second digital signature; (Figure 5F, 5214)

means for verifying the first and second digital signatures; (Figure 5F, 5218)

means for determining the difference between the value of the at least one register at the end of the audit period and the start of the audit period if the first and second digital signatures verify; (Columns 61-62, lines 51-13)

means for generating a usage report for the value dispensing device based on the usage data if the determined difference correlates with the corresponding data provided in the usage data. (Column 62, lines 14-43)

Art Unit: 3609

As interpreted by the examiner, the reports, according to Leon, are sent at the end of one period, are also considered to be sent at the beginning of the subsequent period. The report at the end of a period must be completed after the period ends so that every transaction from the period is included. Similarly a report at the beginning of a period must be completed before the period begins so that no transactions from the current period are included. Therefore, in reality, the report does not belong to one transaction period, but to its own reporting period occurring between transaction periods, immediately before one transaction period and immediately after the previous one. (Leon, Figures 5f and 5f-2 show the transition from the registered, or transaction, state to the intermediate, or reporting, state in order to process and report the data and the subsequent return to the registered state when the reporting is finished.)

As to claim 29, the storage and later retrieval of a record previously sent is inherent to a system that compares the record to a later created one.

As to claim 30, Leon further shows:

the at least one register value in the first and second audit records includes an ascending register value. (Column 99, lines 37-41)

As to claim 31, Leon further shows:

the at least one register value in the first and second audit records includes a total piece count register value. (Column 100, lines 44-47)

As to claim 32, Leon further shows:

the first and second digital signatures are verified utilizing a public key. (Figure 5B, 536)

As to claims 42 and 43, Leon further shows:

The value dispensing device is a postage meter. (Title)

Art Unit: 3609

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon as applied to claim 12 above, and further in view of Mosher (5,799,322).

As to claim 13, Leon further shows:

the first and second audit records each include a respective time stamp, (Column 18, lines 47-56)

Leon does not show:

verifying the time stamp in the first audit record corresponds to the start of the audit period;
and verifying the time stamp in the second audit record corresponds to the end of the audit period.

Mosher shows the verification of time stamps prior to accepting audit data (Columns 31-32, lines 66-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Leon to add time stamp validation, because this would further show that the data was valid for the audit period and not transactions outside of that time, as is done by Mosher (Column 32, 9-59).

As to claim 14, Leon further shows:

indicating an error in the processing of the usage data. (Figure 6F)

As to claim 15, Leon further shows:

the time stamp includes a date and a time (Column 18, lines 47-56)

Art Unit: 3609

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon as applied to claim 25 above, and further in view of Mosher (5,799,322).

As to claim 26, Leon further shows:

the first and second audit records each include a respective time stamp, (Column 18, lines 47-56)

Leon does not show:

means for verifying the time stamp in the first audit record corresponds to the start of the audit period;

and means for verifying the time stamp in the second audit record corresponds to the end of the audit period.

Mosher shows the verification of time stamps prior to accepting audit data (Columns 31-32, lines 66-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the invention of Leon to add time stamp validation, because this would further show that the data was valid for the audit period and not transactions outside of that time, as is done by Mosher (Column 32, 9-59).

As to claim 27, Leon further shows:

means for indicating an error in the processing of the usage data if one of , the time stamp in the first audit record or the second audit record does not correspond. (Figure 6F)

Response to Arguments

Applicant's arguments with respect to claims 12 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that the first and second audit reports are somehow different and not just consecutive instances of the same report from different months. As claimed, both reports have register values and a digital signature. Because there are no differences in the content and

Art Unit: 3609

the claim language does not expressly preclude the Examiner's view stated previously, the interpretation that the ending report for one period is the same as the beginning report of the subsequent period is maintained.

Applicant also argued that there is "no disclosure, teaching or suggestion in Leon of 'determining a difference between the value of the at least one register value at the end of the audit period and the start of the audit period' or 'comparing the determined difference with corresponding data provided in the usage data' or "generating a usage report for the value dispensing system based on the usage data if the determined difference correlates with the corresponding data provided in the usage data" as recited in claim 12. As referenced in the rejection above, Columns 61 and 62, Leon does show this functionality.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3609


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Murdough whose telephone number is (571) 270-3270.

The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Murdough


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600